

**REISSUE APPLICATION
DECLARATION BY THE INVENTOR**

Docket Number

237439US0RE

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in the below identified patent:

Patent Number

4,985,585

Date Patent Issued

January 15, 1991

Title of Invention

PHENOXYALKYLCARBOXYLIC ACID DERIVATIVES AND PROCESS FOR THEIR PREPARATION

for which a reissue patent is sought on the invention entitled:

PHENOXYALKYLCARBOXYLIC ACID DERIVATIVES AND PROCESS FOR THEIR PREPARATION

the specification of which

☒ is attached hereto

☐ was filed on _____ as reissue application number _____

☐ and (if applicable) was amended on _____

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

We (I) hereby claim foreign priority benefits under 35 USC §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s):

Application No.

Country

Day/Month/Year

Priority Claimed

63-53374

JAPAN

07/March/1988

YES

We (I) hereby claim the benefit under 35 USC §119(e) of any United States *provisional* application(s) listed below.

Application Number

Filing Date

We (I) hereby claim the benefit under 35 USC §120 of any United States application(s), or §3651 of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.

Filing Date

Status

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all that apply)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

not having a claim to the particular compound of Example 33.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith:



22850

Correspondence Address:
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, Virginia 22314.

Telephone: (703) 413-3000

Facsimile: (703) 413-2220

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full Name of sole or first inventor (given name, family name)

Mitsuo OHASHI

Signature

Mitsuo Ohashi

Date

2003 6 27

Residence

No. 1674-2, Suna, Ohmiya-shi, Saitama-ken, JAPAN

Citizenship

JAPAN

Post Office Address (same as residence address above)

Full Name of second joint inventor (given name, family name)

Katsuya AWANO

Signature

Katsuya Awano

Date

2003 6 27

Residence

No. 352-22, Kizawa, Oyama-shi, Tochigi-ken, JAPAN

Citizenship

JAPAN

Post Office Address (same as residence address above)

Full Name of third joint inventor (given name, family name)

Toshio TANAKA

Signature

Toshio Tanaka

Date

2003 6 27

Residence

No. 5932, Tomonuma, Nogi-machi, Shimotsuga-gun, Tochigi-ken, JAPAN

Citizenship

JAPAN

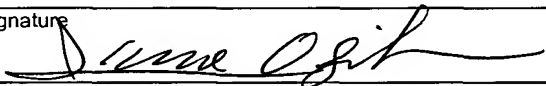
Post Office Address (same as residence address above)

☒ Additional joint inventors are named on separately numbered sheets attached hereto.

Reissue Application Declaration by the Inventor (Continued)

Additional joint inventors are named below:

Full Name of fourth joint inventor (given name, family name)	
Tetsuya KIMURA	
Signature <i>Tetsuya Kimura</i>	Date 2003 6 27
Residence No. 6096, Tomonuma, Nogi-machi, Shimotsuga-gun, Tochigi ken, JAPAN	Citizenship JAPAN
Post Office Address (same as residence address above)	

REISSUE APPLICATION OFFER TO SURRENDER PATENT		Docket Number 237439US0RE
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) Mitsuo OHASHI et al		
Patent Number 4,985,585	Date Patent Issued January 15, 1991	
Title of Invention PHENOXYALKYLCARBOXYLIC ACID DERIVATIVES AND PROCESS FOR THEIR PREPARATION		
<p>I am the inventor of the original patent.</p> <p>I offer to surrender the original patent.</p> <p> <input checked="" type="checkbox"/> Filed herein is a certificate under 37 CFR 3.73(b). <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent has been made. </p> <p>The written consent of all assignees owning an undivided interest in the original patent is included in this application for reissue.</p>		
Signature 	Date 2003 6 27	
Typed or printed name of person signing for assignee Ikuo Ogihara President KYORIN PHARMACEUTICAL CO.,LTD.		
The assignee owning an undivided interest in said original patent is: <u>Kyorin Pharmaceutical Co., Ltd.</u> and the assignee consents to the accompanying application for reissue.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.		
Name of assignee Kyorin Pharmaceutical Co., Ltd.		
Signature of person signing for assignee 	Date 2003 6 27	
Typed or printed name of person signing for assignee Ikuo Ogihara President KYORIN PHARMACEUTICAL CO.,LTD.		

(OSMMN 03/02)

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Mitsuo OHASHI et al

Application No./Patent No.: 4,985,585

Filed/Issue Date: January 15, 1991

Entitled: PHENOXYALKYLCARBOXYLIC ACID DERIVATIVES AND PROCESS FOR THEIR PREPARATION

Kyorin Pharmaceutical Co., Ltd.

, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, government agency, etc.)

States that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 5483, Frame 332-334, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

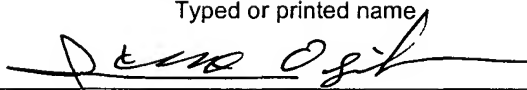
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2003 6 27

Date

Ikuo Ogihara

Typed or printed name



Signature

President KYORIN PHARMACEUTICAL CO., LTD.

Title